

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA,

v.

Criminal Case No. 2:23cr19

ROBERT EDGAR ENGLISH,
Defendant.

ORDER

This matter comes before the Court on two motions filed by the defendant, Robert Edgar English. (ECF Nos. 66, 68). On March 8, 2024, the Court sentenced English to 120 months' imprisonment following his plea of guilty to felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1); and interstate threatening communication, in violation of 18 U.S.C. § 875(c). English appealed his sentence on May 17, 2024. (ECF No. 64.) The appeal remains pending.

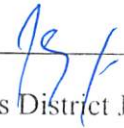
On May 20, 2024, English filed a motion for relief in which he asks the Court to dismiss his § 922(g)(1) conviction as unconstitutional under *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022). (ECF No. 66.) On June 6, 2024, English filed a motion to reduce his sentence based on 18 U.S.C. § 3582(c)(2) and Amendment 821 of the United States Sentencing Guidelines. (ECF No. 68.) Because of the pending appeal, however, the Court lacks jurisdiction to resolve the motions at this time. *See United States v. Christy*, 3 F.3d 765, 768 (4th Cir. 1993) ("The notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.").

Accordingly, the Court WITHHOLDS rulings on the motions, (ECF Nos. 66, 68), and STAYS all further proceedings with respect to the motions until the Fourth Circuit resolves the appeal.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record; to the United States Probation Office, Norfolk Division; and to English.

Date: 17 June 2024
Richmond, VA

/s/ 
John A. Gibney, Jr.
Senior United States District Judge